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20 **WELLS FARGO BANK, N.A.**

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 PHOENIX SOLUTIONS, INC., a
25 California corporation,

26 Plaintiff,

27 v.

28 WELLS FARGO BANK, N.A., a
Delaware corporation,

Defendant.

Case No. CV08-863MHP

**STIPULATION AND [PROPOSED]
ORDER TO FILE SECOND
AMENDED COMPLAINT**

1 Phoenix Solutions, Inc. ("Phoenix" or "Plaintiff") and Wells Fargo Bank,
2 N.A. through their undersigned counsel, hereby move the Court for, and stipulate
3 to, an order permitting Phoenix to file an amended complaint for the purpose of
4 adding Wells Fargo Funds Management, LLC as a defendant.

5 Further, Counsel for Wells Fargo Funds Management, LLC stipulates to
6 accept service through the Court's electronic case filing system. Pursuant to
7 Federal Rule of Civil Procedure 12, Wells Fargo Funds Management, LLC's
8 answer to the amended complaint shall be filed within 20 days from the date of the
9 Order permitting the amended complaint to be filed.

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11 **IT IS SO STIPULATED**

12 Respectfully submitted,
13 TROJAN LAW OFFICES

Respectfully submitted,
KEKER & VAN NEST

14
15 /s/ R. Joseph Trojan
16 R. Joseph Trojan
17 Attorney for Plaintiff,
18 PHOENIX SOLUTIONS, INC.

19 Date: September 16, 2008

/s/ Eugene M. Paige
Daralyn J. Durie
Eugene M. Paige
Ryan M. Kent
Sonali D. Maitra
Attorneys for Defendant,
WELLS FARGO BANK, N.A.

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21 Date: September 16, 2008
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